

REMARKS

The Advisory Action of June 15, 2007, and the prior art cited and relied upon therein have been carefully studied. The claims in the application are now claims 6, 63, and 66-74, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

New independent claims 73 and 74 have been added. Claims 1-5, 7-10, 36-37, 66 and 69-72 have been cancelled and claims 11-35, 38-62 and 64-65 withdrawn from consideration. Claims 6, 63, 67-68 and 73-74 remain in the application for consideration.

The Examiner has rejected claims 1, 6-8 and 66-72 under 35 U.S.C. §102(b) as being anticipated by Littman ;337 and claims 1, 7-8 and 66-72 under 35 U.S.C. §102(b) as being anticipated by Kai '279. Applicant respectfully traverses both of these rejections as applied to new independent claims 73 and 74 and claims dependent therefrom.

The tearable thermoplastic resin film of the claimed invention has a plurality of greater than six linear scratches formed by sliding contact with a rotating roll having fine hard particles with sharp edges over its entire surface. The sliding contact of a thermoplastic resin film with a rotating roll having fine hard particles is depicted in Fig. 2 attached

to the specification. However, the linear scratches formed by the sliding contact has not been fully depicted in any figures. To better explain how the linear scratches are formed, Applicant has enclosed Figs. A-C. Applicant notes that Fig. A is the same as Fig. 2 of the specification.

Although Fig. A schematically shows that long scratches extend straight and are spaced apart the same interval over the entire width of the film, the scratches have limited length and are randomly arranged longitudinally as shown in Fig C. The length  $L$  of the scratches is determined by a sliding contact length of the thermoplastic resin film with the rotating roll. When the thermoplastic resin film is bent  $90^\circ$  by the rotating roll as shown in Fig. B, the sliding contact length  $L$  is  $\pi R/2$ . In an ideal case, each fine hard particle is in sliding contact with the rotating roll along the sliding contact length  $L$ , resulting in scratches as long as  $L$ , although some scratches may be shorter than  $L$ . Also, because the roll has fine hard particles with sharp edges over its entire surface, the resultant scratches with limited length are arranged over the entire length of the thermoplastic resin film as shown in Fig. C. It is noted that the starting points of the scratches have substantially the same arrangement as that of the fine hard particles on the roll.

The sharp edges of the fine hard particles form narrow, deep scratches on the thermoplastic resin film surface by sliding contact. Accordingly, the scratches are as small as 0.1 to 10  $\mu\text{m}$  in dept and 0.1 to 10  $\mu\text{m}$  in width are spaced apart in intervals of 10 to 200  $\mu\text{m}$ . The above feature of the substantially parallel linear scratches is obtained without fail by sliding contact with a rotating roll having fine hard particles with sharp edges over its entire surface. Accordingly, Applicant submits that the passage of "sliding contact with a rotating roll having fine hard particles with sharp edges over its entire surface" clearly defines the structure of the tearable thermoplastic resin film of the claimed invention. In other words, this product-by-process-type expression provides clear description of the structure of the tearable thermoplastic resin film.

With regard to the rejection over Littman, the Examiner states in the Office Action that Littmann teaches a tearable thermoplastic resin film having a plurality of substantially parallel spaced apart linear scratches formed on one surface of the film, wherein the scratches extend the entire width of the film. The easy open tear control package of Littmann has roughened areas along a centerline and a horizontal line. However, the roughened areas do not exist over the entire width of a sheet, and are apparently much

larger than the scratches formed in the claimed invention. With a plurality of substantially parallel linear scratches greater than six spaced apart over an entire width of the film, the tearable thermoplastic resin film of the claimed invention can be easily torn straight from any point along the linear scratches. Such feature is neither disclosed nor suggested by Littmann. Accordingly, those skilled in the art would not be able to achieve the present invention based on Littmann.

With regard to the rejection over Kai, the Examiner states in the Office Action that Kai teaches a tearable thermoplastic resin film having a plurality of substantially parallel spaced apart linear scratches formed on one surface of the film, wherein the scratches extend the entire width of the film and are evenly spaced apart from each other over the entire width of the film. Fig. 6 of Kai shows a number of scratches 3 densely arranged along centerlines, but does not involve a plurality greater than six. Kai shows in Fig. 4 how to form the scratches 3 using a slender cylindrical abrasive 14 having a grain surface. It is clear from the description of the specification and Figs. 4 and 6 of Kai that Kai does not teach forming a large plurality of substantially parallel linear scratches greater than six, as small as 0.1 to 10  $\mu\text{m}$  in depth and 0.1 to 10  $\mu\text{m}$  in width on the entire surface of the

film with intervals of 10 to 200  $\mu$ m. Accordingly, those skilled in the art would not be able to achieve the present invention based on Kai.

Applicant respectfully submits that the claimed invention patentably defines over both Littman and Kai on the basis of the structural differences noted above.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,

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